

RESOLUTION NO. _____

EXHIBIT 1

FISCAL YEAR 2005-06 SALARY RESOLUTION

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EXHIBIT 1

FISCAL YEAR 2005-06 SALARY RESOLUTION

1.000. PAY PLAN SCHEDULES. The schedule of pay for each classification in the Classified Service and in the Unclassified Service enumerated by pay category in Sections 2.000, 2.100, 2.200, 2.450, 2.500, 2.600, 2.700, and 2.900 consists of hourly pay rates for each available step in each classification. The schedule of pay for Unclassified and Classified Management classifications enumerated by pay category in Sections 2.300, 2.400, 2.650 and 2.800 consists of the annual control point for each classification. Pay Plan Schedules A through M apply to employee categories as follows:

The section in which each classification is assigned to a pay range is indicated in parentheses () following the definition of the category.

Pay Plan Category A applies to **Classified Public Safety Dispatchers-in-Training, Public Safety Dispatchers and Senior Public Safety Dispatchers** (Section 2.000). [Note: Category A employees in the Communication Officers Association Reduced Time Job Status Program shall be entitled to compensation, benefits, and leaves pursuant to the provisions of the Program.]

Pay Plan Category B applies to all **Classified full-time employees not otherwise designated below or above** (Section 2.100).

Pay Plan Category C applies to **Classified Public Safety Officers-in-Training, Public Safety Officers and Public Safety Lieutenants** (Section 2.200). [Note: Category C employees in the Public Safety Officers Association Reduced Time Job Status Program shall be entitled to compensation, benefits, and leaves pursuant to the provisions of the Program.]

Pay Plan Category D/E applies to **Classified Management** employees. This category represents first-line supervisors, mid-management and staff level employees who plan and implement established City programs, budgets and policy (Section 2.300).

Pay Plan Category F applies to **Department Director** positions which are Unclassified and report directly to the City Manager. These classes are the highest level management positions at the department level. Employees in these positions are responsible for overall direction of their respective department operations within the context of City policy (Section 2.400).

Pay Plan Category G applies to **Classified Confidential employees** (Section 2.450). [Note: For purposes of benefits and leaves, Category G employees receive the same treatment as Category B employees, except as provided in Section 3.110. Category G employees in the Confidential Unit Reduced Time Job Status Program shall be entitled to compensation, benefits and leaves pursuant to the provisions of the program.]

Pay Plan Category H applies to **Unclassified recreation employees** (Section 2.500).

Pay Plan Category I applies to **Unclassified casual, seasonal and special project** employees other than recreation employees (Section 2.600).

Pay Plan Category J applies to the **Unclassified** classifications listed under **the Job Training Partnership Act (JTPA)** (Section 2.700).

Pay Plan Category K applies to **Unclassified Management** classifications appointed directly by the City Attorney. (Section 2.800).

Pay Plan Category L applies to **Classified Regular Part-time** employees (Section 2.900).

Pay Plan Category M applies to **Unclassified** employees hired under the **Management Intern Program** (Section 2.650). [Note: For purposes of benefits and leaves, Category M employees receive the same benefits as Category D/E employees except for the management Pay for Performance program.]

The Pay Ranges and Rates for each Subclass of a classification for which subclasses have been established shall be as set forth for the applicable classification.

The effective dates for each Pay Plan are indicated on the respective Pay Plan Schedules as set forth in Exhibit "A."

1.050. **RETROACTIVE PAYMENT: SEPARATED/RETIRED EMPLOYEES.** Retroactive salary adjustments which occur as a result of a collective bargaining settlement will be provided to those employees who are actively employed by the City at the time of the Memorandum of Understanding adoption by the City Council, and to those employees who have retired between the effective date for retroactivity and date of adoption by the City Council. Any employees who have separated or have been terminated prior to this adoption will not be eligible for any retroactive adjustments. Retroactivity will be provided for salary adjustment only. To be

eligible for any other salary adjustment as a result of MOU provisions, the employee must be employed as of the established effective date of such action.

1.100. MANDATED DEDUCTIONS. Any state or federally mandated deductions are made in accordance with applicable law.

All employees hired after April 1986 and all employees in Categories H, I, J and L shall be covered by Medicare. The employee and the City will each contribute the mandated percentage of the employee's wage toward the cost of Medicare.

Unemployment insurance is provided to employees at no cost to the employee.

2.000 THROUGH 2.900. ASSIGNMENT OF PAY RANGES AND RATES TO PAY PLAN. All Pay Ranges and Rates are contained in Exhibit "A" attached and incorporated by this reference.

3.000. LEAVE BENEFITS. The enumerated leave benefits are part of the Pay Plan.

3.010. LEAVE AUTHORIZATION. All leaves, with the exception of those of Category K members, must be approved in advance by the City Manager or designated Management representative under established procedure. Leaves of Category K members must be approved in advance by the City Attorney.

3.020. LEAVE BENEFITS. TO WHOM APPLICABLE. Except as otherwise provided for herein, leave benefits are applicable to employees in Pay Plan Categories A, B, C, D/E, F, G, K and L.

3.030. LEAVE PAYMENT. All leave time shall be paid at the hourly straight time rate. Only one type of paid leave shall be paid at any given time and when paid shall be to the exclusion of any other paid time except that in-lieu holiday pay for employees in Categories A, C, and Public Safety Deputy Chiefs and Captains who are so entitled shall continue to be paid for each paid hour regardless of leave or work status.

3.040. LEAVE SUBSTITUTION. No leave may be substituted for the authorized leave once the employee is on leave except as provided in the Administrative Policy; nor may any leave be authorized in addition to another leave for the same period.

3.100. PAID TIME OFF LEAVE (PTO). MANAGEMENT.

(a) Employees in Categories D/E, F, and K are eligible to accrue and use Paid Time Off Leave (PTO). Such leave shall be used for vacation, medical appointment, disability/illness, family emergency, and may also be used for personal business, care of sick children or other

family members, school visits, etc. Leaves not included in PTO which remain separate leaves are bereavement, jury duty, military duty, management administrative leave, workers' compensation, floating holiday, holiday, and in-lieu of holiday for designated Public Safety Deputy Chiefs and Captains.

Except for illness or emergency, all PTO shall be pre-planned and pre-approved. The minimum advance notice is one (1) week. The City may at any time require written verification from a physician for a non-pre-planned absence for illness, family emergency or visits to a doctor, dentist or licensed mental health practitioner.

(b) PTO begins accruing on the first day of employment and is prorated on an hourly basis for each paid hour. PTO shall not accrue during any unpaid leave. Time off is paid provided there is adequate PTO accrued to cover the absence. Time off in excess of PTO accruals and other available leave shall be leave without pay. As employees use PTO, the time used shall be deducted from the employee's current PTO balance.

(c) The accrual rates are listed below:

TABLE A

| <u>Service Period</u> | | <u>Accrual Rate</u> | | |
|------------------------------|---------------------|----------------------------|----------------------|-----------------------|
| <u>Pay Periods</u> | <u>Years</u> | <u>Hrs/pp</u> | <u>Hrs/yr</u> | <u>Days/yr</u> |
| 1-26 | 0 to 1 | 6.5 | 169 | 21 |
| 27-130 | 1+ to 5 | 7.5 | 195 | 24 |
| 131-260 | 5+ to 10 | 9.0 | 234 | 29 |
| 261-650 | 10+ to 25 | 10.5 | 273 | 34 |
| 651+ | 25+ | 12.0 | 312 | 39 |

(d) Eligible employees will accrue at the rates shown in Table A for the first 870 hours (21.75 weeks, 108.75 work days). After 870 hours are accrued, the employee will start accruing at the reduced rate levels of Table B.

TABLE B

| <u>Service Period</u> | | <u>Accrual Rate</u> | | <u>Work</u> |
|------------------------------|---------------------|----------------------------|----------------------|-----------------------|
| <u>Pay Periods</u> | <u>Years</u> | <u>Hrs/pp</u> | <u>Hrs/yr</u> | <u>Days/yr</u> |
| 1-130 | 0 to 5 | 5.0 | 130 | 16 |
| 131-650 | 5+ to 25 | 6.5 | 169 | 21 |
| 651+ | 25+ | 8.0 | 208 | 27 |

Accruals at this level will stop at 1040 hours (maximum cap) until total accrual is reduced below 1040.

(e) If at any time the total accrual falls below 870 hours, the accrual rate will revert to the rates in Table A.

(f) No minimum usage per year is required. Accruals carry over from one payroll calendar year to the next.

(g) For a newly hired Category F employee, the City Manager may authorize an initial accrual rate higher than that provided in the above and/or an initial credit of hours. Such provision will be documented in the offer letter to the employee.

(h) For a newly hired Category K employee, the City Attorney may authorize an initial accrual rate higher than that provided in the above and/or an initial credit of hours. Such provision will be documented in the offer letter to the employee.

(i) PTO and Separation/Retirement. PTO accrues and is prorated on an hourly basis for each paid hour during the last pay period of service. PTO shall be paid off to the employee on the employee's last day of work (pay included in final paycheck). The City Manager may, however, approve the utilization of available accrued PTO to extend the date of retirement, and in special circumstances, the date of separation.

(j) PTO and Disability. After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified (same occurrence) disability, beginning with work hour eighty-one (81) through 90 calendar days of disability. At this time, the City will require a doctor's note and medical information in accordance with current Administrative Policy provisions. No disability leave will be provided until this requirement is satisfied.

To access the Disability Leave Benefit (full pay from 10-90 calendar days), an employee must provide acceptable written medical documentation showing that the disability is a single disability, whether continuous time off has been taken or not for that disability. The first 80 hours of a single disability are charged to the employee's PTO bank. Hours 81 up through the maximum of calendar day 90 are eligible for coverage under the Disability Leave Benefit.

After 90 calendar days of (same occurrence) disability, the disabled employee shall be eligible to apply for Long Term Disability coverage as outlined in Section 3.630. In addition, if, after having been off work for 80 hours on a same disability and becoming eligible for disability leave pay, the disabled employee continues to be unable to return to work full time, but is able to work partial days, the employee remains eligible for disability pay for the part of the day that the employee is unable to work.

(k) PTO and Workers' Compensation. During the first 26 pay periods of service, the employee will be eligible for Workers' Compensation benefits as provided by state law. The employee, at this time, will have the option to use PTO or any other leave balance available to him/her, have it paid off, or keep it in his/her leave bank for future use upon his/her return.

After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified work-related (same occurrence) disability, beginning with workday one (1) through 90 calendar days of disability. After 90 calendar days of (same occurrence) work-related disability, the disabled employee shall be eligible to apply for Long Term Disability coverage as outlined in Section 3.630.

(l) If an employee has no available leave hours, pay may be deducted for any hours short of 40 worked in a week. This policy is established pursuant to principles of public accountability.

(m) Employees in Categories D/E, F and K will have the option to cash-out up to 80 hours of PTO once at the end of each calendar year. This cash-out will be allowed as long as the employee maintains a balance of 80 hours in his/her bank. If the employee elects this option, the minimum number of hours that may be cashed-out is 8.

3.110. PAID TIME OFF LEAVE (PTO). CONFIDENTIAL EMPLOYEES.

(a) Employees in Category G are eligible to accrue and use Paid Time Off Leave (PTO). Such leave shall be used for vacation, medical appointment, disability/illness and family emergency. PTO may also be used for personal business, care of sick children or other family members, school visits, etc. Leaves not included in PTO which remain separate leaves are bereavement, jury duty, military duty, floating holiday, holiday and workers' compensation leave. Except for illness or emergency, all PTO shall be preplanned and pre-approved. The minimum advance notice is one (1) week. The City may at any time require written verification from a physician for a non-preplanned absence for illness, family emergency or visits to a doctor, dentist or licensed mental health practitioner.

(b) PTO begins accruing on the first day of employment and is prorated on an hourly basis for each paid hour. PTO shall not accrue during any unpaid leave. Time off is paid provided there is adequate PTO accrual to cover the absence. Time off in excess of PTO accruals and other available leave shall be leave without pay. As employees use PTO, the time used shall be deducted from the employee's current PTO balance.

- (c) The accrual rates are listed below:

| <u>Service Period</u> | | <u>Accrual Rate</u> | | |
|-----------------------|--------------|---------------------|---------------|-----------------|
| <u>Pay Periods</u> | <u>Years</u> | <u>Hrs/pp</u> | <u>Hrs/vr</u> | <u>Days/vr*</u> |
| 1-26 | 0 to 1 | 5.5 | 143 | 17.875 |
| 27-130 | 1+ to 5 | 6.5 | 169 | 21.125 |
| 131-260 | 5+ to 10 | 8.0 | 208 | 26.000 |
| 261-650 | 10+ to 25 | 9.5 | 247 | 30.875 |
| 651+ | 25+ | 12.0 | 286 | 35.750 |

*Based on an eight hour/day schedule.

- (d) Accruals will stop at 700 hours (maximum cap) until total accrual is reduced below 700.

(e) No minimum usage per year is required. Accruals carry over from one payroll calendar year to the next.

(f) PTO and Separation/Retirement. PTO accrues and is prorated on an hourly basis for each paid hour during the last pay period of service. PTO shall be paid off to the employee on the employee's last day of work (pay included in final paycheck). The City Manager may, however, approve the utilization of available accrued PTO to extend the date of retirement, and in special circumstances, the date of separation.

(g) PTO and Disability. After 26 consecutive pay periods of service, the City shall provide full pay for medically certified same disability, beginning with work hour eighty-one (81) through 90 calendar days of same disability. At this time, the City will require a doctor's note and medical information in accordance with current Administrative Policy provisions. No disability leave will be provided until this requirement is satisfied.

To access the Disability Leave Benefit (full pay from 10-90 calendar days), an employee must provide acceptable written medical documentation showing that the disability is a single disability, whether continuous time off has been taken or not for that disability. The first 80 hours of a single disability are charged to the employee's PTO bank. Hours 81 up through the maximum of calendar day 90 are eligible for coverage under the Disability Leave Benefit.

After 90 calendar days of disability, the disabled employee shall be eligible to apply for Long-Term Disability coverage as outlined in Section 3.630. In addition, if, after having been off work for 80 hours on a same disability and becoming eligible for disability leave pay, the disabled employee continues to be unable to return to work full time, but is able to work

partial days, the employee remains eligible for disability pay for the part of the day that the employee is unable to work.

(h) PTO and Workers' Compensation. During the first 26 pay periods of service, the employee will be eligible for Workers' Compensation benefits as provided by state law. The employee, at this time, will have the option to use PTO or any other leave balance available to him/her, have it paid off, or keep it in his/her leave bank for future use upon his/her return.

After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified work-related same disability, beginning with workday one (1) through ninety (90) calendar days of disability. After 90 calendar days of a work-related same disability, the disabled employee shall be eligible to apply for Long-Term Disability coverage as outlined in Section 3.630.

(i) Employees in Category G will have the option to cash-out up to 80 hours of PTO once at the end of each calendar year. This cash-out will be allowed as long as the employee maintains a balance of 80 hours in his/her bank. If the employee elects this option, the minimum number of hours that may be cashed-out is 8.

3.200. BEREAVEMENT LEAVE. Employees in Categories A, B, C and L are entitled to bereavement leave as detailed in the applicable MOU.

Employees in Categories D/E, F, G and K are entitled to bereavement leave where death has occurred to an employee's spouse or registered domestic partner, father, mother, son, daughter, brother, sister, grandparents or grandchildren, or to the father, mother, son, daughter, brother, sister or grandparents or grandchildren of an employee's spouse or registered domestic partner. Employees in Categories D/E, F, G and K shall be entitled to bereavement leave in an amount not to exceed forty (40) work hours per eligible incident immediately upon employment.

3.300. HOLIDAY LEAVE. Employees in Categories A, B and C are entitled to holiday leave or in-lieu pay as detailed in the applicable MOU. Employees in Categories B, C (except those scheduled to work holidays), D/E (except designated Public Safety Deputy Chiefs and Captains), F, G and K who were on pay status both before and after each holiday shall be entitled to take leave on each of the following holidays and be paid at the straight time rate, except as provided in Section 3.320. Public Safety Deputy Chiefs and Captains in Category D/E are assigned to work holidays and shall not receive holiday leave, but in lieu thereof shall receive

an additional 4.15 hours of pay for each pay period in lieu of 108 hours of holiday/floating holiday pay in the fiscal year.

HOLIDAYS

| | | |
|------------------------|----------------|----------------------------------|
| Fourth of July | Christmas Eve | Martin Luther King, Jr. Birthday |
| Labor Day | Christmas Day | President's Holiday |
| Thanksgiving Day | New Year's Eve | Memorial Day |
| Day After Thanksgiving | New Year's Day | |

3.310. FLOATING HOLIDAY LEAVE. Employees in Categories A, B and C are entitled to floating holiday leave as detailed in the applicable MOU.

Employees in Categories D/E (except Public Safety Captains), F, G and K shall be credited with twenty (20) hours of floating holiday leave at the beginning of each payroll calendar year. New employees shall be credited with a pro rata share based upon the proportion of the payroll calendar year remaining after their date of hire. Use of floating holiday leave shall be subject to the approval of the employee's supervisor.

Employees terminating City employment shall have their allotment of floating holiday leave for that year pro-rated based upon their date of separation. Employees who have used less than their pro-rated allotment for the portion of the payroll calendar year worked shall have the balance paid to them on their final paycheck. Employees who have used more than their pro-rated allotment for the portion of the payroll calendar year worked, shall have the overage deducted from their final paycheck.

Further, employees in Categories D/E, F, G and K who have unused floating holiday hours at the end of the payroll calendar year have the option of having all of the unused hours either paid in cash or added to his/her PTO balance if such addition does not exceed the maximum accrual allowed for PTO.

3.320. SPECIAL SCHEDULE. HOLIDAY LEAVE. Holiday leave for employees on a Special Schedule is paid in accordance with policies set forth in the Special Schedule Agreement, applicable MOU, or in the Administrative Policy Manual as the same exists or is amended hereafter.

3.400. JURY LEAVE. An employee is entitled to jury leave subject to conditions and limitations contained in the Administrative Policy Manual as the same exists or is amended hereafter. Employees in Category L are eligible for Jury Duty Leave in accordance with the provisions of the MOU.

3.500. MILITARY LEAVE. Employees assigned to active military duty are entitled to military leave in accordance with the provisions of applicable State and Federal laws and the Administrative Policy Manual as the same exists or is amended hereafter. Effective July 2003, this leave will be granted on a fiscal year basis.

3.550. MILITARY RESERVISTS: EXTENSION OF BENEFITS AND SUPPLEMENTAL SALARY.

(a) A person is eligible for the benefits established in this section if he or she meets all of the following qualifications:

(1) Was an active probationary or regular part-time or full-time employee of the City in Pay Plan Categories A, B, C, D/E, F, G, K or L as of September 14, 2001;

(2) Is a member of the Armed Forces, Naval Militia or National Guard as of September 14, 2001;

(3) Is called to active duty per Executive Order 13223 issued on September 14, 2001;

(4) Returns to City employment within 60 days after the end of active duty status; and

(5) Remains as an employee of the City for at least six months following his or her return to City employment.

Eligible employees will be required to sign an agreement with the City which details their rights and obligations with respect to these benefits and supplemental salary prior to their initial receipt of benefits beyond the mandatory 30 days of benefits otherwise provided by law. Employees who elect not to return to City service shall be required to repay the City for the cost of the supplementary salary and benefits plus interest at the 26-week T-bill rate at the time that the final supplementary compensation was provided and for the period that exceeded the mandatory 30 days of benefits otherwise provided by law.

(b) The City will continue to pay a bi-weekly check to eligible employees equal to base salary, plus any other compensation the employee would have received had he/she been actually working. The employee then will reimburse the City the amounts paid for military service plus allowances, including Basic Allowance for Housing.

(c) Eligible employees will be required to send copies of their military pay stubs to the Department of Human Resources for purposes of reconciliation. The payments will be

reconciled by the Payroll unit of the Accounting Division of the Department of Finance. If the Payroll unit has not received the copies within three weeks after the end of the month, future checks will be withheld until the information is provided.

(d) Through June 30, 2006, all employees receiving the benefits and supplemental salary under this section will be eligible to remain covered under their current retirement, medical, dental, employee assistance and vision plans for eligible employees for a total of 60 total pay periods after the initial 30 days' military leave are exhausted. The City will provide eligible employees, along with the supplementary salary, the amount that the City currently contributes toward the benefits plans. If the employee is currently paying a deduction toward these plans, the employee will continue to make those payments. Compensation and benefits shall be in accordance with provisions as approved by City Council.

3.600. **DISABILITY LEAVE. NONMANAGEMENT ENTITLEMENT.** Employees in Categories A, B, C and G qualify for disability leave after completion of twenty-six (26) consecutive pay periods from the date of original appointment; provided, however, that employees may be authorized up to forty (40) hours of interim disability leave from the date of employment for the first twenty-six (26) pay periods; provided, however, that at the conclusion of the twenty-sixth (26th) pay period the interim disability leave shall terminate, including any unused amount. The total allowable paid disability leave for employees in Categories A, B, C and G for work-related and non-work related disability combined is forty (40) hours.

3.610. **DISABILITY LEAVE. NONMANAGEMENT PROVISIONS.** For employees in Categories A, B, C and G, upon completion of the twenty-sixth (26th) consecutive pay periods of service, the City shall provide regular salary for disability leave, less any coverage provided by any other insurance program for the first ninety (90) calendar days of disability.

3.620. **DISABILITY LEAVE. AUTHORIZATION.** Disability leave may be authorized by Management staff in accordance with procedures set forth in the applicable MOU or Administrative Policy Manual as the same now exists or is hereafter amended.

3.625. **STATE DISABILITY INSURANCE (SDI) INCLUDING PAID FAMILY LEAVE INSURANCE (PFLI).** Category L employees are eligible as of August 1, 1996 for SDI benefits in accordance with the applicable MOA. Benefits are provided due to non-work related disability. The cost is paid by employee. SDI includes Paid Family Leave Insurance with

premium provisions effective January 1, 2004, and benefits effective July 1, 2004. These programs are administered by the State of California.

3.630. LONG TERM DISABILITY. For employees in Categories A, B, D/E, F, G and K, the City shall provide, after completion of twenty-six (26) consecutive pay periods of service, income protection insurance which will take effect after ninety (90) calendar days from the original date of disability and which, subject to standard policy provisions, exclusions and limitations, will pay two-thirds (2/3) of the employee's salary up to a maximum of Seven Thousand Five Hundred Dollars (\$7,500.00) per month while the employee is disabled and unable to work. Eligibility and procedural limitations are set forth in the Administrative Policy Manual and the current Long Term Disability Contract as the same now exists or is hereafter amended. For employees in Category C, the Public Safety Officers Association shall contract with a long-term disability insurance provider and make long-term disability insurance available to represented employees in accordance with provisions of the MOU. For a newly hired Category F employee during the first year of City service, the City Manager may authorize alternative long-term disability coverage, the provisions of which shall be detailed in the offer letter to the employee.

3.640. DISABILITY LEAVE REQUIREMENT WAIVER. For employees in Categories D/E, F and K, the requirement of twenty-six (26) pay periods of service for eligibility for City-provided short-term paid disability leave (i.e., full pay for a medically certified (same occurrence disability beginning with work hour eighty-one (81) through 90 calendar days of disability) may be waived in the case of catastrophic and/or life-threatening illness or disability.

3.700. MEDICAL APPOINTMENT LEAVE. For employees in Categories A and C, medical appointment leave for employee appointments with medical doctors and dentists may be authorized after the employee has completed twenty-six (26) consecutive pay periods of service. This leave will not exceed two (2) hours during a standard daily work schedule.

3.750. EMERGENCY FAMILY LEAVE. For employees in Categories A and C, emergency family leave may be authorized in accordance with the provisions of the City's Administrative Policy Manual or applicable MOU.

3.800. VACATION LEAVE. For employees in Categories A, B and C vacation leave shall be earned for each pay period of service as set forth in the applicable MOU.

Employees hired prior to August 30, 1992 in Categories H and I with 2,500 hours of City employment which is continuous or separated by no more than 26 pay periods of service are entitled to .1 hour of vacation leave for each hour of work. Employees hired after August 30, 1992 in Categories H and I are not entitled to vacation leave accrual.

3.810. VACATION LEAVE. ACCUMULATION. USE. For employees in Categories A, B and C, vacation leave shall be accrued in accordance with the applicable MOU. Vacation leave shall be used in accordance with procedural limitations set forth in the applicable MOU or in the Administrative Policy Manual as the same now exists or is hereafter amended.

For employees in Categories H and I, hired prior to August 30, 1992, vacation leave may be accumulated up to 50 hours. Accumulated leave time unused at the end of the payroll calendar year will be paid at the employee's current pay rate on one of the last paychecks of the payroll calendar year. Employees in these categories who have accumulated 50 hours of vacation leave at any time shall not accrue additional vacation leave or be compensated for any unused vacation leave in excess of 50 hours.

Accrued vacation leave for all categories of employees shall be paid off to the employee on the employee's last day of work and will be included in the employee's final paycheck. The City Manager may, however, approve the utilization of available accrued vacation to extend the date of retirement, and in special circumstances, the date of separation.

3.820. PAID LEAVE FOR REGULAR PART-TIME. For employees in Category L, paid leave shall be earned and accumulated as set forth in the applicable MOU. Accrued leave shall be paid to the employee at the time of separation from the City.

3.900. MANAGEMENT ADMINISTRATIVE LEAVE. Management administrative leave not to exceed 24.0 hours in a payroll calendar year may be authorized for employees in Categories D/E, F and K after completion of the initial six months of employment in one of the relevant categories, subject to the supervisor's approval and to the additional provisions defined by administrative policy. Provisionally appointed managers not previously holding a regular management position are ineligible for management administrative leave.

In addition, up to 36 more hours of administrative leave (for a total not to exceed 60 hours in a payroll calendar year) may be authorized for eligible management employees at the sole discretion of the City Manager or Department Director, in accordance with the terms of the Administrative Policy Manual.

3.950. EMPLOYEE EMERGENCY LEAVE RELIEF FUND. The Employee Emergency Leave Relief Fund is a program that allows any City employee who has leave hours accrued, the opportunity to donate a portion of his/her accrued leave to benefit another employee needing paid emergency leave. To benefit from this fund, the receiving employee must be eligible to accrue City paid leave time, must have used all available accrued leave and must have a personal emergency that requires the employee to be on leave from work responsibilities to attend to the emergency. The employee must request in writing to the City Manager that this Employee Relief Fund be enacted. The City Manager will have administrative authority to accept or reject the employee's request. The City Manager will also have the administrative authority in defining all procedures to be followed in setting up and utilizing this fund.

4.000. EXTRA-TIME (OVERTIME) PAY. WHO IS ENTITLED. All employees of the City shall be entitled to extra-time pay except those in Management positions in Categories D/E, F, K, M and employees in Category I in the classification of Casual/Seasonal Executive Management which are hereby designated as exempt from the provisions of the Fair Labor Standards Act.

4.010. EXTRA-TIME (OVERTIME) AUTHORIZATION. All extra time must be approved in advance by the City Manager or designated Management representative under established procedure.

4.020. EXTRA-TIME (OVERTIME) COMPUTATION. Extra time, where applicable, shall be paid at the rate of one and one-half (1½) times the straight-time rate, except as otherwise provided for in an applicable MOU or herein.

4.030. EXTRA-TIME (OVERTIME) PAY. WHEN APPLICABLE. Extra-time pay shall be paid to an employee in Category B as set forth in the applicable MOU.

An employee in Category A who has worked more than eight (8) hours in a standard work schedule day of eight (8) hours or has worked more than forty (40) hours in a standard week of seven (7) days, or an employee in Category C on tour of fire duty has worked more than twenty-four (24) hours of fire tour duty shall be entitled to extra-time pay.

Employees in Categories C (other than those assigned to a tour of fire duty), H, I, J and L shall be entitled to extra-time pay only for hours worked in excess of eighty (80) hours in a biweekly pay period as defined in the Administrative Policy Manual. Employees in

Category I (Management and Executive) are designated as exempt from the provisions of the Fair Labor Standards Act.

Employees assigned to a special schedule shall be entitled to extra time only for hours worked in excess of forty (40) hours in a work week as defined in the Administrative Policy Manual, or as provided in the written special schedule agreement established according to provisions of Section 6.200. See also Section 6.150 discussing flex time for designated Category B employees.

4.100. COMPENSATORY TIME. For employees in Categories A, B and C, compensatory time may be accumulated and used as set forth in the applicable MOU. Employees in Category G shall have the same accumulation and use options as employees in Category B.

4.200. HOLIDAY PAY. CATEGORIES A AND C, AND PUBLIC SAFETY DEPUTY CHIEFS AND CAPTAINS IN CATEGORY D/E. Employees assigned to Categories A and C shall receive pay in accordance with the applicable MOU. Public Safety Deputy Chiefs and Captains in Category D/E who are assigned to work holidays shall not receive holiday leave, but in lieu thereof shall receive an additional 4.15 hours of pay for each pay period in lieu of 108 hours of holiday/floating holiday pay in the year.

4.300. STANDBY PAY. Employees in Categories B and C shall be eligible for standby pay as set forth in the applicable MOU.

4.310. CALL-OUT PAY. Employees in Category B shall be eligible for call-out pay as set forth in the applicable MOU.

4.320. COURT PAY. Employees in Category B shall be eligible for court pay as set forth in the applicable MOU.

4.400. CALL-BACK PAY. WHEN APPLICABLE. AMOUNT. Employees in Categories A, B and C shall be eligible for call-back pay as set forth in the applicable MOU. The call-back provisions apply when an employee has gone off duty and left the job site. Extra-time pay for call-back duty shall not continue into the next work schedule nor shall it be counted toward fulfillment of a work period.

4.500. VOLUNTARY RESPONSE PAY. Employees in Category C shall be eligible for voluntary response pay as set forth in the MOU.

4.600. CANINE HANDLER PAY. Employees in Category C shall be eligible for canine handler pay as set forth in the MOU.

4.700. DEPARTMENT OF TRANSPORTATION (DOT) REST PERIOD PAY. Employees in Category B shall be eligible for DOT rest period pay following emergency overtime as set forth in the applicable MOU.

4.710. CLASS A AND B DRIVER'S LICENSE PAY. CATEGORY B. Employees in Category B shall be eligible for Class A/B Driver's License pay as set forth in the applicable MOU.

4.720. CLASS A AND B DRIVER'S LICENSE COST REIMBURSEMENT. CATEGORY B. Employees in Category B shall be eligible for reimbursement in accordance with the provisions of the applicable MOU.

4.800. CONFIDENTIAL PREMIUM PAY. The City shall provide a 3.5% premium on all paid hours for employees in Category G.

5.000. WAGE SUPPLEMENTS. Wage supplements shall consist of payments to the employee outside the standard pay schedule for paid work time, and which are paid by the City either in part or in total as provided for herein.

5.010. HAZARDOUS DUTY PAY. Employees in Category B and Category L who regularly perform duties identified as hazardous in the applicable MOU shall be eligible for hazardous duty pay as set forth in the respective MOU.

5.020. BILINGUAL PAY. Employees in Categories A, B, C, G and L shall be eligible to receive, in addition to their regular compensation, additional compensation as detailed in applicable MOUs when they meet the Translator/Bilingual Skills criteria as established in their respective MOUs.

5.030. WORKING-OUT-OF-CLASS PAY. NONMANAGEMENT. Employees in Categories A, B, C, G and L who are assigned to work in a higher classification and work in such classification shall be entitled to compensation in accordance with the provisions of the applicable MOUs.

5.040. WORKING-OUT-OF-CLASS. MANAGEMENT. Management employees who assume complete or partial responsibility for an existing higher level classification will not receive out-of-class pay; these managers will receive consideration at the time of their annual audit reviews.

5.045. INTERIM/ACTING PAY. MANAGEMENT. Employees who are appointed by the City Manager in an acting/interim status to a vacant position in Pay Plan Categories D/E or F may receive placement within the control point of the vacant position; or a percentage over his/her current pay as designated by the City Manager.

5.048. Y-RATING PAY. Y-rating may be authorized by the City Manager or his/her designee when an employee is allocated to a classification with a lower salary range. If the current salary of the employee is more than the maximum of the revised allocated classification, the employee may be Y-rated and he/she will continue to receive the former rate of pay until the maximum salary of the new classification is raised to an amount higher than the rate of pay received in the former classification.

5.050. SPECIAL ASSIGNMENT PAY. Employees in Category C who serve in special assignments identified in the MOU shall receive special assignment pay as set forth in the MOU.

5.055. SPECIAL LIMITED DUTY PROJECT PAY. Employees in Category C who serve in a special limited duty assignment shall receive special limited duty project pay as set forth in the MOU.

5.070. TRAINER COMPENSATION. Employees in Category A who are assigned as Trainer shall receive Trainer Compensation as set forth in the MOU.

5.090. CASH IN-LIEU (MEDICAL COVERAGE).

(a) Employees in Categories A, B, C and L shall be eligible for cash in-lieu payment as set forth in their respective MOU. Employees in Category G shall have the same cash-in-lieu payment option as employees in Category B.

(b) Employees in Categories D/E, F and K, the Mayor and members of the City Council have the option of reducing their medical coverage and receiving payment of a portion of the City contribution. However, if the employee is currently a dependent of a City employee and covered by a PERS Health Plan, the employee is not eligible for reimbursement.

To be eligible for this plan, an employee must either:

- (1) Change from full family to employee plus one or employee only;
- (2) Change from employee plus one to employee only;
- (3) Change from any level coverage to no coverage; or
- (4) A new employee may choose no coverage.

Payment shall be made based on the following schedule.

| <u>Current</u> | <u>New</u> | <u>Monthly</u> |
|----------------|------------|----------------|
| E + 2 | 0 | \$213.42 |
| E + 2 | E | \$131.08 |
| E+ 2 | E+1 | \$ 48.75 |
| E + 1 | 0 | \$164.67 |
| E + 1 | E | \$ 82.33 |
| E | 0 | \$ 82.33 |
| NEW | 0 | \$ 82.33 |

Whenever an employee changes to no coverage, the employee shall provide proof of alternate coverage and sign a waiver stating that she or he does have alternative coverage and that he or she understands that he or she will no longer receive coverage through a City-sponsored PERS provided medical plan.

If an employee decides to increase his or her level of coverage by either reentering a City sponsored PERS provided medical plan or including a dependent in his or her current coverage, he or she must submit a health statement for the provider's approval or enroll during the annual open enrollment period.

Procedures for exercising this option and for reentering the City sponsored PERS provided medical plans shall be established by the City.

5.100. UNIFORMS. The City shall provide uniforms for Category B employees assigned to meter reading, public facility maintenance, public safety records, and others as designed by the City Manager.

5.110. SAFETY UNIFORMS. The City shall provide Public Safety sworn personnel with the regulation uniform in accordance with the provisions in the MOU.

Employees in Category C assigned to motorcycle duty shall receive during the duration of the assignment to motorcycle duty additional safety equipment as set forth in the MOU. The City will issue one (1) pair of uniform shoes of the employee's choice which meet the criteria established by the Department Uniform and Equipment Committee. The City shall pay up to the amount established per the MOU toward the cost of such shoes. The employee shall pay the balance. The City will maintain the serviceability of the shoes by paying for repairs or replacement (per the above rate) as deemed necessary by the Department.

5.120. CLOTHING ALLOWANCE. A clothing allowance shall be paid to nonuniformed employees in Category C regularly assigned to investigative duties and fire prevention duties, in accordance with the provisions in the MOU.

5.130. COVERALLS AND JACKETS. For employees in Category B in job assignments specified in the MOU, the City shall provide coveralls and insulated windbreaker-type jackets in accordance with the provisions in the MOU.

5.140. TOOL ALLOWANCE. The hourly pay rate shown in the pay table for the Category B classifications of Lead Equipment Mechanic, Equipment Mechanic and Equipment Mechanic Assistant incorporates 2% for a tool allowance as specified in the MOU. This allowance represents the full compensation for tools, including replacement of lost or broken tools except that verified losses which would be subject to the City's property damage coverage such as losses from fire, break-in and theft, and vandalism are excluded from this limitation. This provision does not apply to any other classifications not included in this section.

5.200. WORK EQUIPMENT. The City shall provide mattresses, sheets, pillows, pillow cases and blankets at the fire stations and safety gear in all departments as required by law.

5.210. SAFETY GLASSES. The City shall provide employees in Categories A, B, C, D/E, F, G, K and L prescription safety glasses, provided (a) that safety glasses are required on the job; (b) the employee provides the prescription at no cost to the City; and (c) the glasses are provided by an optical firm approved by the City.

5.220. SAFETY FOOTWEAR. Employees in Category B required by the City to wear safety footwear shall be eligible to receive an annual allowance in accordance with the provisions of the applicable MOU. Employees in Category G required to wear safety footwear shall be eligible to receive the same allowance as employees in Category B. Employees in Category L in the classifications of Custodian and Building Services Worker required by the City to wear safety footwear shall be eligible to receive an annual allowance in accordance with the provisions of the applicable MOU. Employees hired after the start of the fiscal year shall be eligible for a pro-rated allowance.

The Risk and Insurance Manager may authorize additional classifications to receive the safety footwear allowance if it is determined that safety footwear is required for the work being performed.

5.230. COURT MILEAGE. PERSONAL VEHICLE. City will pay for use of the personal vehicle of employees in Category C for court appearances outside of Sunnyvale, but within Santa Clara County in accordance with the provisions of the MOU.

5.300. TRAINING ASSISTANCE. The City shall reimburse employees in Categories A, B, C, D/E, F, G, K and L and those in the Public Safety Cadet program and employees in the classification of Crime Prevention Assistant for all or part of the cost of tuition and books for courses approved in advance by the City, provided the course is completed successfully and documentation of costs and certificates of completion are presented according to Administrative Policy or applicable MOU. The amount of reimbursement based on relatedness to the employee's present position may be taxable in accordance with state and federal law.

5.400. LIFE INSURANCE. The City shall provide group life and accidental death and dismemberment insurance to employees in Categories A, B and C in accordance with the applicable MOU. Employees in Category G shall receive the same coverage as employees in Category B. The City shall provide a Fifty Thousand Dollars (\$50,000.00) life insurance policy for employees in Categories D/E, F and K with the employee's option of paying for the difference between the Fifty Thousand Dollars (\$50,000.00) policy and double the employee's annual salary. Maximum coverage is \$175,000. Coverage is subject to the terms and conditions of the insurance policy and to current tax law provisions.

5.500. HEALTH INSURANCES. The City shall provide employees in Categories B, D/E, F, G, K and L with group medical, dental and employee assistance insurance plans. The City shall provide employees in Categories A and C with group medical and employee assistance insurance plans. Participation in the medical insurance plan is available to employees in Categories A, B, C, D/E, F, G, K and L at the time of appointment in accordance with the provisions of the plan selected, with the effective date the first day of the month following enrollment. Employees in Categories B, G and L shall become eligible for participation in the dental plan, in accordance with the provisions of the plan selected, upon completion of thirteen (13) pay periods of service with the effective date on the first of the month following enrollment. For employees in Category A, the Communication Officers Association shall contract with a dental provider and make dental insurance available to represented employees in accordance with the provisions of the MOU. For employees in Category C, the Public Safety Officers Association shall contract with a dental provider and make dental insurance available to

represented employees in accordance with provisions of the MOU. Employees in Categories A, B, C, D/E, F, G, K and L are covered by the employee assistance program at the time of appointment in accordance with the provisions of the plan. In addition, employees in Categories A, B, C, D/E, F, G, K and L are eligible for vision care coverage at the time of appointment, with an effective date of the first day of the month following enrollment.

5.510. CITY CONTRIBUTION FOR HEALTH INSURANCES.

(a) The City will contribute the following amounts toward the cost of the premiums for medical insurance under the Public Employees Medical and Hospital Care Act (PEMHCA) for each employee in the respective categories listed below, and his or her eligible dependents, and for each annuitant in PERS formerly in the respective categories listed below and his or her eligible dependents:

(1) Category A - The cost of the premium or Four Hundred Seventy-two Dollars and Ninety-eight Cents (\$472.98) per month, whichever is less, effective January 1, 2003.

(2) Categories B and G - The cost of the premium or Four Hundred Seventy Dollars and Ninety-Three Cents (\$470.93) per month, whichever is less, effective January 1, 2006.

(3) Category C - The cost of the premium or Four Hundred Sixty-seven Dollars and Forty-six Cents (\$467.46) per month, whichever is less, effective January 1, 2003.

(4) Categories D/E, F and K, the Mayor and each member of the City Council - The cost of the premium.

(5) Category L - The cost of the premium or Two Hundred Six Dollars and Twenty-Nine Cents (\$206.29) per month, whichever is less, effective the July 1, 2002.

(b) (1) Each employee in Category A may direct the City to contribute an amount or amounts to his or her employee assistance program insurance, employee and dependent vision care insurance, employee and dependent medical insurance, or optional life insurance or any combination thereof, so long as the maximum total amount of such contribution does not exceed Five Hundred Fifteen Dollars (\$515.00) per month (\$237.69 per pay period) inclusive of any amount contributed by the City under (a)(1) above.

(2) Each employee in Categories B and G may direct the City to contribute an amount or amounts to his or her employee and dependent vision care insurance, employee and

dependent medical insurance, employee and dependent dental insurance, optional life insurance or any combination thereof, so long as the maximum total amount of such contributions does not exceed Six Hundred Twenty-six Dollars and Eight Cents (\$626.08) per month (\$288.96 per pay period) inclusive of any amount contributed by the City under (a)(2) above. This Section is effective through the end of the 2004 payroll calendar year, and is then superceded as follows:

Effective the first pay period of the 2006 payroll calendar year each employee in Categories B and G may direct the City to contribute an amount or amounts to his or her employee and dependent medical insurance so long as the maximum total amount of such contribution does not exceed Four Hundred Seventy Dollars and Ninety-three Cents (\$470.93) per month (\$217.35 per pay period) inclusive of any amount contributed by the City under (a)(2) above.

(3) Each employee in Category C may direct the City to contribute an amount or amounts to his or her employee assistance program insurance, employee and dependent medical insurance, or optional life insurance or any combination thereof, so long as the maximum total amount of such contribution does not exceed per month inclusive of any amount contributed by the City under (a)(3) above.

(4) Each employee in Categories D/E, F or K may direct the City to contribute an amount or amounts to his or her employee and dependent dental insurance, employee and dependent medical insurance, employee assistance program insurance and employee and dependent vision care insurance so long as the maximum total amount of such contributions does not exceed 100% of the premium costs of such coverages inclusive of any amount contributed by City under (a)(4) above.

(5) The Mayor and each member of the City Council may direct the City to contribute an amount or amounts toward the cost of the premiums for medical insurance under the Public Employees Medical and Hospital Care Act (PEMHCA) for his or her individual and dependent medical insurance, so long as the maximum total amount of such contributions does not exceed 100% of the premium costs of such coverage. The Mayor and each member of the City Council are eligible for participation in the dental and vision plans. If participation is elected, the City's contribution is the amount of the premium for individual coverage. Dependent coverage is available at participant's cost.

(6) Each employee in Category L may direct the City to contribute an amount or amounts to his or her employee and dependent medical insurance, employee and dependent dental insurance, or employee and dependent vision insurance, or any combination thereof, so long as the maximum contribution does not exceed Three Hundred Thirty-Nine Dollars and Forty-One Cents (\$339.41) per month (\$156.65 per pay period), inclusive of any amount contributed by the City under (a)(5) above.

(c) (1) To the extent any employee in Category A elects a combination of insurance coverages, the cost of which exceeds Five Hundred Fifteen Dollars (\$515.00) per month (\$237.69 per pay period), the employee shall pay the difference. Any payment required to be made by the employee shall be deemed made first for optional life insurance, second for employee and dependent medical insurance, third for employee and dependent vision insurance, and finally for employee assistance program.

(2) To the extent any employee in Categories B and G elects a combination of medical and cafeteria coverages, the cost of which exceeds Eight Hundred Nineteen Dollars and Thirteen Cents (\$819.13) per month (\$378.06 per pay period), effective with the beginning of the 2006 payroll calendar year, the employee shall pay the difference.

(3) To the extent any employee in Category C elects a combination of insurance coverages, the cost of which exceeds Five Hundred Fifteen Dollars (\$515.00) per month (\$237.69 per pay period), the employee shall pay the difference. Any payment required to be made by the employee shall be deemed made first for optional life insurance, second for employee and dependent medical insurance, third for employee and dependent vision insurance and finally for employee assistance program.

(4) To the extent any employee in Category L elects a combination of insurance coverages, the cost of which exceeds Three Hundred Thirty-Nine Dollars and Forty-One Cents (\$339.41) per month (\$156.65 per pay period), the employee shall pay the difference. Any payment required to be made by the employee shall be deemed made first for employee and dependent dental insurance, second for employee and dependent medical insurance, third for employee and dependent vision insurance, and last for employee assistance program.

(d) The City will contribute up to One Hundred Thirty Dollars and Fifty-five Cents (\$130.55) per month for dental insurance provided through the respective associations for Category A and C employees.

5.515. CAFETERIA BENEFITS PLAN. CATEGORIES B AND G. For Category B and G employees, the City will contribute Three Hundred Forty-Eight Dollars and Twenty Cents (\$348.20) per month (\$160.71 per pay period) towards a Cafeteria Benefits Plan. To the extent any employee in Categories B and G elects coverages under the Cafeteria Benefits Plan, the cost of which exceeds Three Hundred Forty-Eight Dollars and Twenty Cents (\$348.20) per month (\$160.71 per pay period), the employee shall pay the difference.

5.520. PREMIUM CONVERSION. Employees in Categories A, B, G and L are provided with an option to pay their insurance premium contributions on a pre-tax basis, as provided in the Internal Revenue Code.

5.560. DEPENDENT CARE REIMBURSEMENT ACCOUNT. Employees in Categories A, B, C, D/E, F, G, K and L are provided with an option to pay for dependent care expenses on a pre-tax basis, as provided by the Internal Revenue Code Section 129.

5.600. WORKERS' COMPENSATION BENEFITS. The City self-insures for Workers' Compensation benefits. Workers' Compensation benefits will be provided as required by law. Employees who are injured on the job are to comply with the legal requirements governing the use of Workers' Compensation benefits. The amount paid to the employee under the City's self-insured disability program shall be reduced by the amount the employee receives under Workers' Compensation benefits for temporary disability.

5.700. RETIREMENT SYSTEMS. The City shall provide a retirement system to eligible employees and to the Mayor and members of the City Council who elect to join PERS, in accordance with the provisions of the City Charter, and as specifically described herein.

5.710. PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS). The City shall contract with the State of California Public Employees' Retirement System (PERS) for retirement plans for qualified Safety and Miscellaneous employees. Both plans shall include the 1959 Survivor Benefits. Miscellaneous and Safety employees, the Mayor and City Councilmembers who have elected PERS membership, receive the 1959 Survivor Benefit at the increased benefit level (Third Level). Miscellaneous and Safety employees are eligible for the Military Buy-Back option (Military Service Credit as Public Service).

5.711. QUALIFIED EMPLOYEES. Qualified employees are those in Categories A, B, C, D/E, F, G, K, L, and those employees in any other Category who are required by the PERS to be covered. In addition, the Mayor and the members of the City Council are qualified to participate in the Public Employees Retirement System and may elect optional membership in PERS.

5.715. PUBLIC AGENCY RETIREMENT SYSTEM (PARS). In appropriate situations for employees hired on or after July 1, 1996, who retire in good standing, City agrees to provide a supplemental retirement benefit through the Public Agency Retirement System (PARS) so that the employee's retirement benefit equals what the employee would have received from CalPERS had the employee been hired by the City prior to July 1, 1996 as outlined in the CalPERS Circular Letter No. 200-002.

5.720. 3%-AT-50 SAFETY PLAN. Effective July 8, 2001, the City shall provide qualified Safety employees with the basic "3%-at-50" plan with the one-half continuance option under the Public Employees' Retirement System.

5.730. 2%-AT-55 MISCELLANEOUS PLAN. The City shall provide qualified Miscellaneous employees, the Mayor and City Councilmembers with the "2%-at-55" plan under the Public Employees' Retirement System.

5.740. PERS CONTRIBUTION.

(a) For employees in Categories A, B, G and L, the City shall continue to contribute to PERS seven percent (7%) of the employees' salary toward the employee's normal contribution to PERS. In addition, for Categories A, B, G and L employees, the City will report the value of the Employer Paid Member Contribution (EPMC) of seven percent (7%) as additional compensation.

(b) For employees in Category C and employees holding the positions of Director of Public Safety, Deputy Chief, Public Safety Captain, and Safety members in Category B, the City shall continue to contribute to PERS nine percent (9%) of the employees' salary toward the employee's normal contribution to PERS. In addition, the City shall continue to contribute to PERS a total of two and one-quarter percent (2.25%) of the employee's salary to fund the cost of the single highest year retirement benefit. Further, for these employees, the City will report the value of the Employer Paid Member Contribution (EPMC) of nine percent (9%) as additional compensation.

(c) For employees in Categories D/E, F (except employees holding the positions of Director of Public Safety, Deputy Chief, Public Safety Captain, Category K, and for the Mayor and members of the City Council who elect to join PERS, the City shall continue to contribute seven percent (7.0%) of the employee's salary toward the normal contribution to PERS. In addition, for these employees, the City will report the value of Employer Paid Member Contribution (EPMC) of seven percent (7%) as additional compensation.

(d) For employees in other categories who are required by the PERS to be covered, the employee shall be responsible for the employee's normal contribution to PERS of seven percent (7%) for miscellaneous members and eleven and one-quarter percent (11.25%) for Safety members

5.750. SOCIAL SECURITY (FICA PORTION). All employees not covered by PERS shall be covered by Social Security/FICA. The employee and the City will each contribute the mandated percentage of the employee's wage toward the cost of Social Security/FICA.

5.800. CERTIFICATION PAY. Category B employees fulfilling certification requirements shall be entitled to certification pay as set forth in the applicable MOU.

5.805. EDUCATIONAL INCENTIVE PROGRAM. Employees in Category C shall be eligible for educational incentive pay as set forth in the MOU.

5.810. PUBLIC SAFETY SWORN MANAGEMENT. PAY GRADE ASSIGNMENT. There are certain sworn management positions, currently Public Safety Deputy Chief and Public Safety Captain, which, due to job content, were placed at a certain pay grade under the new Management Compensation Program. Due to unique market conditions for Public Safety Deputy Chief and Public Safety Captain, the positions have been assigned a pay grade based upon job content, but the actual base salary is paid at the next higher pay grade.

5.815. PUBLIC SAFETY NON-MANAGEMENT. DIFFERENTIAL. When salaries are set for Public Safety Officer II, the following classifications of Public Safety Non-Management will be adjusted, since they are tied to differentials established by the Public Safety Officer II, to maintain the appropriate relationships:

Public Safety Officer-in-Training

Step 1 is set at 10% below Step 1 of Public Safety Officer II; Step 2 is 5% above Step 1

Public Safety Officer I

Step 1 is set at 5% above Step 1 of

Public Safety Officer-in-Training;
Steps 2 through 4 are set at 5% above
each previous step

Public Safety Dispatcher-in-Training, As provided in the MOU
Dispatcher and Senior Dispatcher

6.000. SPECIAL PROVISIONS. Those provisions which are in a non-pay category, but which confer a benefit on an employee, are provided in accordance with the provisions in the Administrative Policy Manual.

6.100. WORK SCHEDULES. Employees in the Civil Service are to work in accordance with the schedules, shifts, tours of duty and work periods or cycles established by their respective departments in accordance with the provisions of the applicable MOU or the Administrative Policy Manual as the same now exists or is hereafter amended.

6.150. FLEX SCHEDULES. DESIGNATED CATEGORY B EMPLOYEES. Category B employees, designated under the terms of the applicable MOU as exempt under the Fair Labor Standards Act, may have their work schedules adjusted, at the discretion of their managers, in order to minimize the cost of overtime pay. Such adjustments shall be made in accordance with the provisions of the applicable MOU.

6.200. SPECIAL SCHEDULES. Special Schedules for individual employees in Categories A, B or G of varying hours in a work week may be mutually requested by the individual employee and a department director and approved by the City Manager. With respect to any such schedule requested for an employee in Category A and for shift personnel at the Water Pollution Control Plant, such schedule shall also be subject to written approval by 2/3 of the employees in the Category or work group. Either the individual employee or the department director or, in the case of employees in Category A or shift personnel at the Water Pollution Control Plant, 2/3 of the employees in the affected category may terminate a Special Schedule at the end of a pay period upon three (3) weeks' written notice to the other. The extra-time pay provision in Section 4.030 shall apply to such schedules unless otherwise established in the written Special Schedule agreement.

6.300. DEFERRED COMPENSATION. Employees in Categories A, B, C, D/E, F, G, K and L and members of the City Council shall be entitled to participate in a 457 deferred compensation plan approved by the City. For employees in Categories D/E, F and K, a 401(a) plan is available and procedures for contribution to such plan will be established by the City.

With respect to any employee in Categories D/E, F and K who enrolls in any of the two deferred compensation plans (457 or 401(a)), the City shall contribute to such plan on behalf of the employee an amount equal to 2% of the employee's gross pay per pay period. Such employees shall not be entitled to receive any or all of such payment except as payment into a deferred compensation account.

6.400. INCENTIVE PAYMENT FOR REDUCTION OF DISABILITY. In January, the City will share disability leave savings with employees in Categories A, B and C who were employed the previous full payroll year in accordance with the provisions in the applicable MOU.

6.410. YOUTH PARTICIPATION INCENTIVES. Incentive Payments may be made in accordance with 29 USC § 2854, to provide incentives for recognition and achievements of the participants in the youth activities through the Department of Employment Development.

6.500. AUTOMOBILE ALLOWANCE. Any Management employee authorized and assigned exclusive use of a City vehicle on a 24-hour basis may, at the option of the employee, receive a car allowance, payable monthly, in lieu of the assignment and authorization to use such City vehicle. Such car allowance is only available while the employee is actively at work (i.e., not absent from work for more than one month, irrespective of reason). When not actively at work, the automobile allowance will cease the first of the month following the last date the employee is actively at work. A Management employee in Category D/E who is not assigned exclusive use of a City vehicle and who ordinarily does not have access to pool vehicles at his or her work site and who averages three hundred (300) or more miles per month of City business travel in his or her own personal vehicle, excluding normal travel to and from work, shall be eligible for a car allowance. The monthly car allowance for eligible Management employees shall be established periodically based on market survey results. Established allowance amounts will be maintained by the Department of Human Resources. This option shall not be available in the event the City Manager or the employee's Department Director determines that the vehicle assigned is a special purpose vehicle or a vehicle especially equipped so that it cannot be adequately replaced by the employee's private vehicle.

6.600. RELOCATION ASSISTANCE. Employees in Categories D/E and K may be offered up to \$5,000 of relocation assistance, including expenses incurred in connection with the final trip for employee and immediate family to the area, provided that their primary residence at

the time they receive their offer of employment with the City is located outside a fifty (50) mile radius of the City and they move to a location within Santa Clara County within one (1) year of appointment. In addition, these employees are also eligible for interim living expenses, at the maximum rate of \$100 per day for a period not to exceed thirty (30) days, incurred while searching for a new residence. Category F employees may be offered up to the full cost of relocation assistance, including interim living expenses, if they move into the City limits within one (1) year of appointment. Such assistance may be taxable to the employee. This assistance must be documented in the offer letter to the employee.

6.700. EXECUTIVE MORTGAGE ASSISTANCE PROGRAM. Category F employees are eligible for benefits provided pursuant to the Executive Mortgage Assistance Program. Provisions of the program have been approved through separate resolution and may be amended as necessary.

7.000. ADMINISTRATION. CLASSIFIED SERVICE AND UNCLASSIFIED MANAGEMENT. The Pay Plan for all City employees shall be administered by the City Manager in accordance with policies stated herein and in the Administrative Policy Manual and any applicable MOU. The City Manager shall issue such rules and procedures as are necessary to put the policies into effect.

7.100. HOURLY RATES. Employees in Categories A, B, C, G and L at the time of appointment are ordinarily assigned the hourly rate in the first step of the pay range. In cases where it is necessary to attract qualified personnel the employee may be assigned the hourly rate in the second or third step of the pay range. Under extraordinary circumstances, employees may be assigned the hourly rate in the fourth or fifth step of the pay range, upon recommendation of the Department Director and approval of the City Manager.

7.105. SALARY RATES. The minimum rate at which employees in Categories D/E, F and K may be hired is 85.0% of the Control Point for that classification; the maximum is 100% of Control Point. Appointments made above 95.0% of Control Point require recommendation of the Department Director, recommendation by the Compensation Committee and approval of the City Manager for all but Category K. Determinations on Category K employees are made by the City Attorney.

7.110. CONTROL POINTS AND SALARY RANGES. MANAGEMENT. Control Points for Management classifications are as established in Sections 2.300, 2.400 and 2.800. The

range for each classification extends from 85.0% of the Control Point up to the Control Point (100%).

7.115. DIFFERENTIAL PAY. MANAGEMENT. In the event that a pay differential of less than fifteen percent (15%) is identified between the Control Point for a Management classification and the top step base salary for a direct-report non-management classification, a department director may recommend a pay differential of up to fifteen percent (15%). The differential will not be applied automatically, and an identifiable need for such differential must exist prior to providing the differential pay. Differential pay in excess of ten percent (10%) requires recommendation by the Compensation Committee. All differentials require review by the Director of Human Resources and approval of the City Manager.

7.120. MERIT INCREASE. NONMANAGEMENT. Upon completion of thirteen (13) pay periods, employees in Categories A, B, C and G may be assigned the next step in the pay range to which the classification is assigned. Such merit increases shall not be approved unless the employee's work performance is acceptable. Consideration for each subsequent one step merit adjustment is given at twenty-six (26) pay period intervals until the employee's hourly pay rate reaches the top step of the pay range. Increases may be granted effective with the pay period immediately following the anniversary date.

Upon completion of 1040 paid hours of continuous City service, employees in Category L may be assigned the next step in the pay range to which the classification is assigned. Such merit increase shall not be approved unless the employee's work performance is acceptable. Consideration for each subsequent one step merit adjustment is given upon completion of intervals of 2080 hours of continuous service until the employee's hourly pay rate reaches the top step of the pay range. Increases may be granted effective with the pay period immediately following completion of the requisite hours.

7.130. MERIT INCREASE. MANAGEMENT. Upon completion of thirteen (13) pay periods of service, employees in Categories D/E, F and K who meet or exceed expectations of performance may receive an increase in salary above the rate to which they were initially assigned, up to but not exceeding the Control Point.

The pay rate for employees in Categories D/E, F and K will be considered for adjustment beyond that granted after the first thirteen (13) pay periods of service only at the end of each new fiscal year after employment. The pay rate adjustment at the beginning of each such

fiscal year will be within the pay range limitations established by Section 7.110. The determination as to placement for employees in Categories D/E and eligibility and amount of a cash bonus, if any, will be made by the Compensation Committee based on the annual Performance Outcome Agreement Evaluation received, and the Performance Matrix under the Management Compensation Program. Determination as to placement for employees in Category F and eligibility and amount of a cash bonus, if any, will be made by the City Manager, based on the annual Performance Outcome Agreement Evaluation and the Performance Matrix established by administrative policy under the Management Compensation Program. Determination as to placement for employees in Category K and eligibility and amount of a cash bonus, if any, will be made by the City Attorney, based on the annual Performance Outcome Agreement Evaluation and the Performance Matrix established by administrative policy under the Management Compensation Program.

7.140. PROMOTION. NONMANAGEMENT. Upon promotion to a full time non-management classification having an assigned pay range greater than the classification from which the employee is being promoted, employees in Categories A, B, C and G shall be entitled either to that hourly pay step in the pay range of the higher class which is at least 5% above the employee's current hourly step rate, or that step the employee would have received within two (2) pay periods had the promotion not been made, provided the increase does not exceed the rate contained in the fifth (5th) salary step. Thereafter, the employee will be considered for merit increases in the same manner as other probationary employees.

Upon promotion to a Regular Part-time classification having an assigned pay range greater than the classification from which the employee is being promoted, the employee shall be entitled to that hourly pay step in the pay range of the higher classification which is at least 5% above the employee's current hourly step rate, provided the increase does not exceed the rate contained in the fifth (5th) salary step. Thereafter, the employee will be considered for merit increases in the same manner as other probationary employees.

7.150. PROMOTION. MANAGEMENT. Employees in Category D/E who are promoted to a classification which has been assigned a Control Point greater than the classification from which the employee is being promoted shall be entitled to assignment to a pay rate in the new salary range which provides at least 5% above the employee's current hourly rate, or the rate which the employee would have received with a meeting or exceeding

expectation of performance within two (2) pay periods had the promotion not been made, provided the increase does not exceed 95.0% of the Control Point for the new classification, except that upon recommendation of the Department Director and approval of the Compensation Committee or City Manager, as appropriate, the promoted employee's pay rate may be set at up to 100% of such Control Point. Employees in Category K who are promoted in similar circumstances shall likewise receive an increase, subject to the determination of the City Attorney. Thereafter, the employee is considered for merit increases in the same manner as other Management employees.

7.160. PROVISIONAL APPOINTMENT. The pay periods of service of a probationary or regular employee shall not be affected by a provisional appointment. Merit pay increases are to be considered as though the employee had not accepted the provisional appointment.

8.000. ADMINISTRATION. UNCLASSIFIED SERVICE-RECREATION, CASUAL, SEASONAL AND SPECIAL PROJECT. Pay rate assignments and pay step increases for employees in Unclassified Categories H and I shall be administered by the City Manager in accordance with the policies stated herein. The City Manager shall promulgate such rules and procedures as are necessary to put said policies into effect.

8.010. UNCLASSIFIED RECREATION EMPLOYMENT. Employees in Category H, at the time of appointment, are ordinarily assigned the hourly rate in the first step of the pay range; however, the department may assign employees to a higher step based on qualifications and experience, and/or specific job functions. Upon completion of a minimum of twelve (12) months of service in the current job classification and step, and a minimum number of hours worked as established by the department, employees in Category H may be assigned the next step in the pay range to which the classification is assigned. A merit increase shall not be approved unless the employee's work performance is rated satisfactory or better.

8.020. UNCLASSIFIED CASUAL, SEASONAL AND SPECIAL PROJECT EMPLOYMENT OTHER THAN RECREATION. Employees in Category I at the time of appointment are ordinarily assigned the hourly rate in the first step of the pay range. In cases where it is necessary to attract qualified personnel, the employee may be assigned the hourly rate in the second or third step of the pay range. Non-Management employees in Category I may be considered for an initial merit step increase after completion of 1040 hours of continuous service

and additional merit step increases upon completion of intervals of 2080 hours of continuous service up to Step 5. Employees in the Category I classification of Casual or Seasonal Crossing Guard who have satisfactory performance evaluations may be considered for an initial merit step increase after completion of 200 hours of continuous service and additional merit step increases upon completion of intervals of 420 hours of continuous service up to Step 5. Continuous service is that which is separated by no more than twenty-six (26) pay periods of service. In those classifications where there is only a range and there are no specified step intervals, initial appointment may be made at any appropriate rate within that range and merit increases for non-Management employees are in 5% increments in accordance with the work hour requirements above. Casual/Seasonal Management/Executive employees may receive merit increases up to 10% at the beginning of each fiscal year regardless of the number of hours worked during that fiscal year.

8.030. UNCLASSIFIED SERVICE - RECREATION, CASUAL, SEASONAL, AND SPECIAL PROJECT. ANNUAL REVIEW. At the beginning of each fiscal year, employees, in classifications in which there is only a range and no specified step intervals, may be eligible to receive a market-based salary adjustment, provided the employee's performance is satisfactory or higher. The market-based increase shall not exceed that of the increase for a similar full-time classification, and cannot exceed the maximum of the range.

8.100. UNCLASSIFIED RECREATION, CASUAL, SEASONAL AND SPECIAL PROJECT APPOINTMENT. LIMITATIONS.

(a) A person may be employed in a position within the Unclassified Service Recreation, provided that the total hours of such employment do not exceed 1000 hours per fiscal year, except as noted below, and such employment shall conform to the PERS definition for this category of employment in that part-time employment is limited to less than an average of 20 hours per week. Further, a person may be employed in a position within the Unclassified Service Recreation, in the job classification of "Intermittent Recreation" and may exceed 1000 hours of work in a fiscal year. Such employment shall conform to the PERS definition for this category of employment in that the appointment is an on-call, intermittent, emergency, substitute, or irregular basis, which excludes a person from CalPERS membership until the person has worked 1000 hours in the fiscal year.

(b) A person may be employed in a position within the Unclassified Service Casual, provided that the total hours of such employment do not exceed 1000 hours per fiscal year, and such employment shall conform to the PERS definition for this category of employment in that part-time employment is limited to less than an average of 20 hours per week. Employees in this category who regularly work the same number of hours per week will typically work 15 or less hours per week.

(c) A person may be employed in a position within the Unclassified Service Seasonal, provided that the total hours of such employment do not exceed 1000 hours per fiscal year or six months of service, whichever is sooner, and such employment shall conform to the PERS definition for this category of employment in that a full-time seasonal or full-time limited-term appointment is limited to six months or less.

(d) A person may be employed in a position within the Unclassified Service Special Project either part-time limited term or full-time limited term. For a part-time limited-term appointment, total hours shall not exceed 1000 hours per fiscal year, and shall conform to the PERS definition for this category of employment in that part-time employment is limited to less than an average of 20 hours. For a full-time limited-term appointment, total hours shall not exceed 1000 hours per fiscal year or six months of service, whichever is sooner, and such employment shall conform to the PERS definition for this category of employment in that a full-time seasonal or full-time limited-term appointment is limited to six months or less.

(e) A person who is a PERS retiree may be employed in a position within Unclassified Service-Recreation, Casual or Seasonal, provided that the total hours of such employment do not exceed 960 hours per calendar year.

(f) The type of appointment shall be designated upon hire so that appropriate monitoring of hours/time worked may occur.

8.200. UNCLASSIFIED MANAGEMENT INTERN PROGRAM. Pay rate assignments and merit increases for employees in Unclassified Category M shall be administered by the City Manager in accordance with the policies stated herein. Minimum qualifications for employment as a Management Intern include a Masters Degree from an accredited college or university in business administration, public administration, urban or regional planning, or a closely related field. Upon appointment, employees in Category M are ordinarily assigned to 85% of Control Point. However, depending on the level of education and experience of the

employee, appointments may be made up to 100% of Control Point upon the recommendation of the Department Director and the Compensation Committee, and approval of the City Manager as appropriate. Upon completion of six months and twelve months of service, employees in Category M who meet or exceed expectations of performance may receive an increase in salary above the hourly rate to which they were initially assigned, up to but not exceeding the Control Point. A person may be employed as an Unclassified Management Intern for a period not to exceed eighteen (18) months. At the end of the internship period, the employees shall be separated from service.

8.300. REDUCED TIME JOB STATUS PROGRAM. Category A employees represented by the Communication Officers Association (COA) and Category C employees represented by the Public Safety Officers Association (PSOA) and designated classifications within Category G employees-Unrepresented may work a reduced time work schedule pursuant to the provisions of the respective Reduced Time Job Status Programs

9.000. PAY BASIS. An eligible employee may be paid under multiple pay ranges or scheduled amounts in any given pay period, in addition to working out of class, on special assignment or under special circumstances.

10.000. EFFECTIVE DATE. Resolution No. 145-03 and any amendments thereto are hereby repealed. Unless otherwise specifically indicated, all provisions herein contained shall be effective as of October 25, 2005.